

A. G. Contract No. KR890481TRD
ECS File: JPA-89-26
Project: H 2124 01C
Section: SR-88

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF APACHE JUNCTION

THIS AGREEMENT is entered into 3 July, 1990,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF APACHE JUNCTION, acting by and through its City Council
(the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. City is empowered by Arizona Revised Statutes Section
48-572 to enter into this agreement and has by resolution, a
copy of which is attached hereto and made a part hereof,
resolved to enter into this agreement and has authorized the
undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to construct
improvements to State Route 88, to include roadway realignment,
acquisition of right-of-way, intersection improvements and
signalization, at an estimated cost of \$4,967,000, hereinafter
referred to as the Project, for the benefit of the motoring
public.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>14908</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>7/3/90</u>
<u>Jim Shumway</u> Secretary of State
By <u>Vernon Cranwell</u>

II. SCOPE OF WORK:

1. State will:

a. Provide design plans, specifications and such other necessary documents suitable for bidding and construction of Project.

b. Acquire all additional right of way required for the Project.

c. Call for bids and award one or more construction contracts for the Project, and supervise construction. Be responsible for any contractor claims for extra compensation. Upon completion and acceptance provide maintenance within the State's right-of-way.

d. Upon completion of the Project transfer ownership of approximately one half mile of current SR 88 from Station 833+16.53 to Station 18+51.19 more or less, between Idaho Road and US 60 to the City of Apache Junction.

e. Provide permits to the City (or private utilities) for continuing maintenance, or installation of facilities, in the State's right-of-way, in accordance with the State's permit process.

2. City will:

a. Transfer all existing City right of way along Idaho Road within the Project limits to State at no cost.

b. Assume responsibility for maintenance of landscaping including cost of water and electric energy.

c. Be responsible for cost of roadway lighting installation, maintenance and electric enery, and traffic signal electric energy.

3. State and City will participate in the construction cost of warranted traffic signals as follows:

a. Existing SR-88 and Idaho Road -- State 75%, City 25%.

b. US-60 and Idaho Road -- State 100%, City 0%.

c. Idaho Road and Broadway Road -- State 50%, City 50%.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

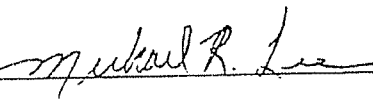
City of Apache Junction
City Manager
1001 North Idaho Road
Apache Junction, AZ 85219

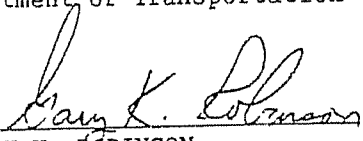
7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

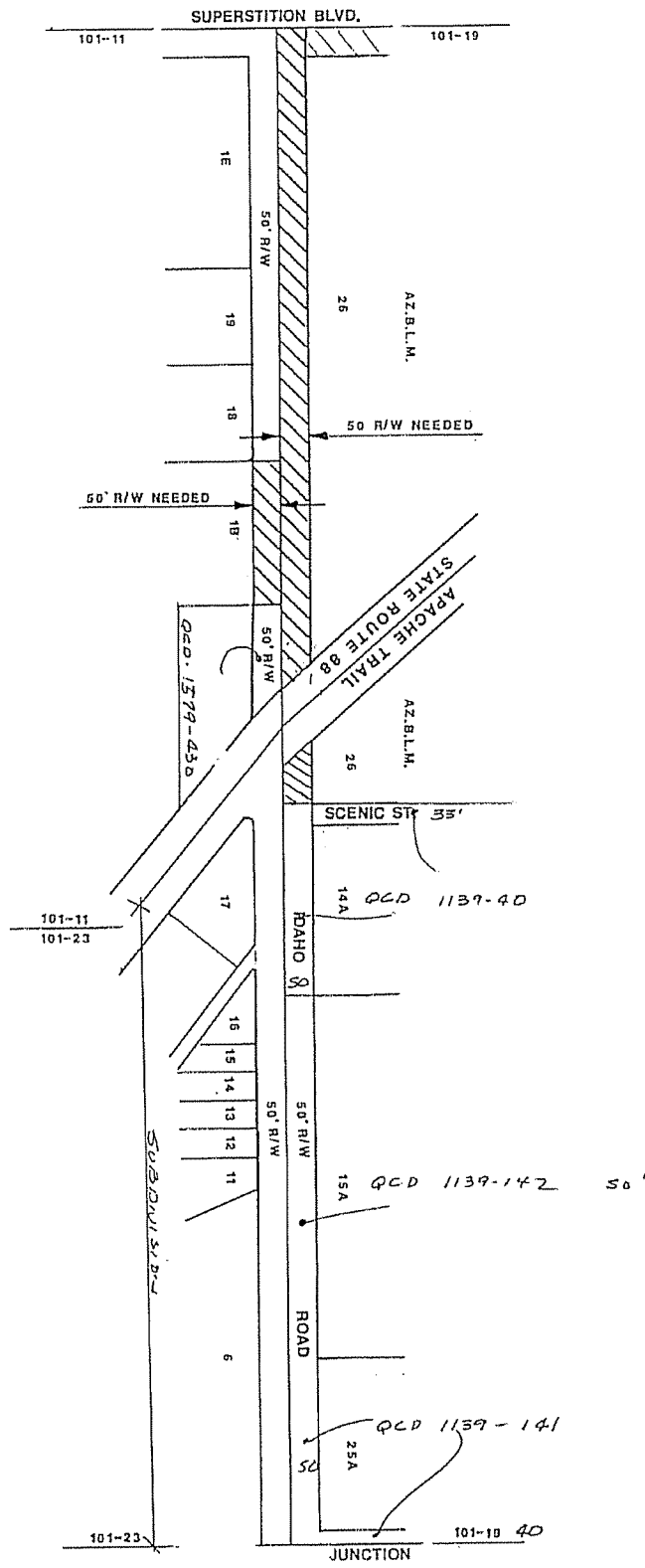
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF APACHE JUNCTION

STATE OF ARIZONA
Department of Transportation

By 
Title City Manager

By 
GARY K. ROBINSON
Chief Deputy State Engineer



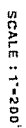
----- RIGHT-OF-WAY NEEDED FOR ROAD IMPROVEMENTS

SCALE: 1"=200'

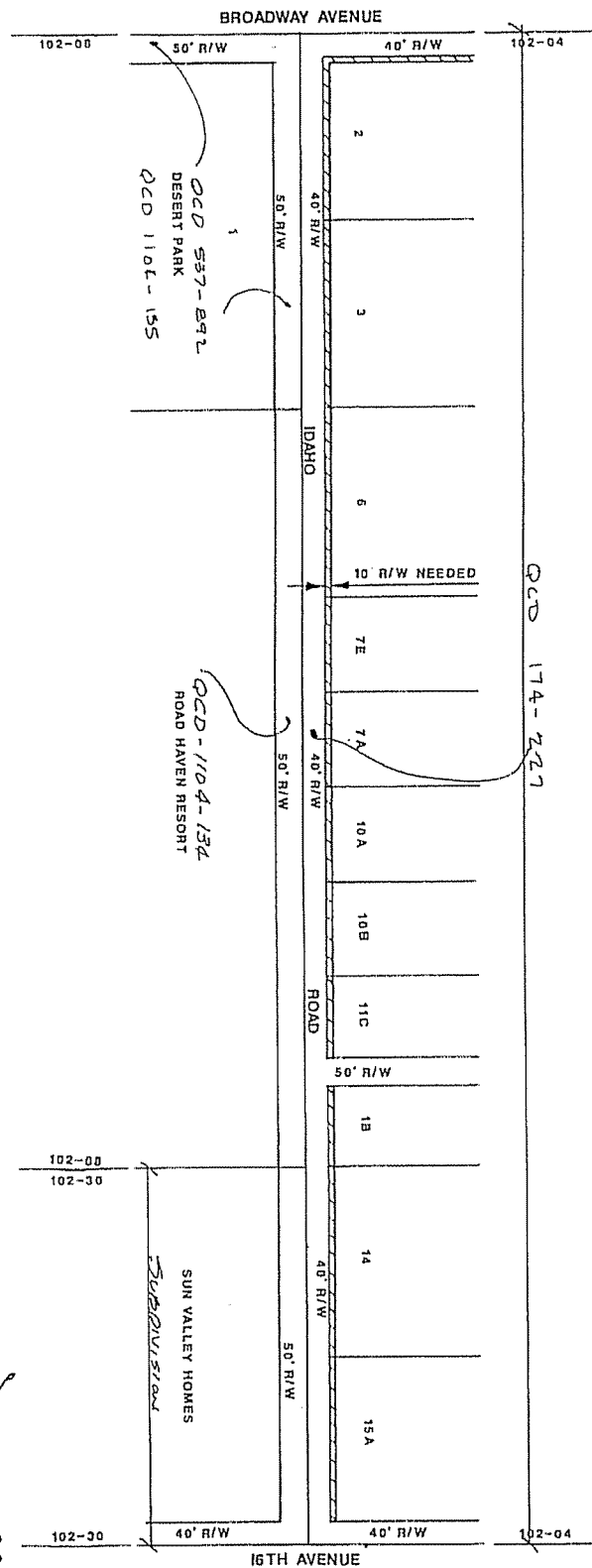


IDAHO ROAD R/W PLANS	
City of Phoenix Engineering Division (101) 11-1002 1001 N. Idaho St., Suite 100, Phoenix, AZ 85001 1211 N. 1st St.	

ATTACHMENT
"A"

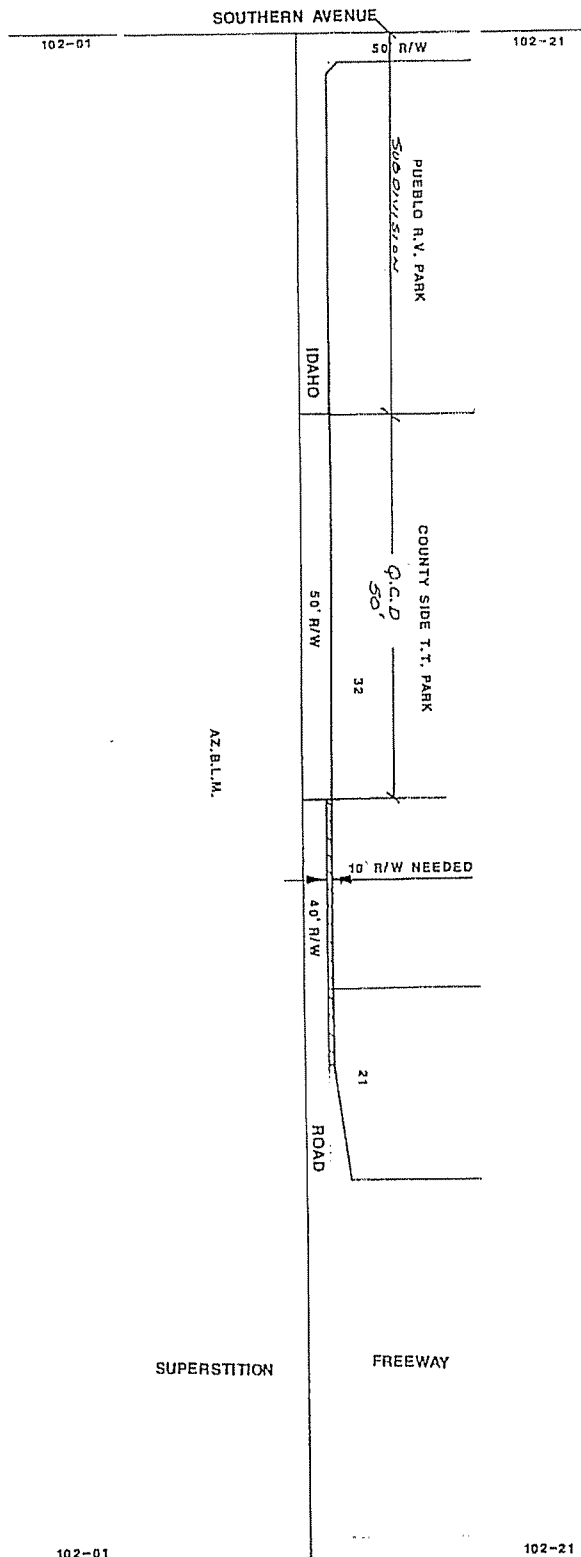


2 of 5




SCALE: 1"=200'

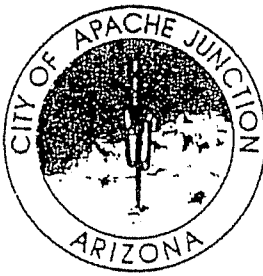
IDAHO ROAD R/W PLANS	
City of Boise Engineering Division 1101 N. Idaho St., Boise, Idaho 83725 (208) 333-3333	
DATE: _____ BY: _____	DATE: _____ BY: _____



SCALE : 1"=200'



	IDAHO ROAD R/W PLANS
	City of Elgin Engineering Division 1001 1st St. Elgin, IL 60120



City of Apache Junction

C E R T I F I C A T E

I certify that I am the duly appointed, qualified, and acting City Clerk of the City of Apache Junction, Arizona that as such, I have in my possession all of the actions taken by the City Council of the City of Apache Junction; that the attached is a true and correct copy of the motion which was presented to and unanimously approved by the City Council of the City of Apache Junction, Arizona, on the 1st day of May, 1990, it appears in my records.

June 18, 1990

Date

Kathleen Connelly

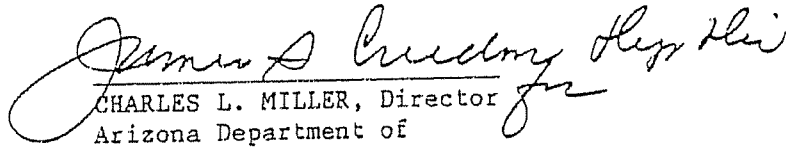
Kathleen Connelly
City Clerk

lvz

RESOLUTION

BE IT RESOLVED on this 3rd day of March 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Apache Junction for the purpose of improvements to Idaho Road (SR 88) between SR 360 and Scenic Drive.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.


CHARLES L. MILLER, Director
Arizona Department of
Transportation

At their regular meeting of May 1, 1990, the City Council of the City of Apache Junction, Arizona, unanimously adopted the following motion:

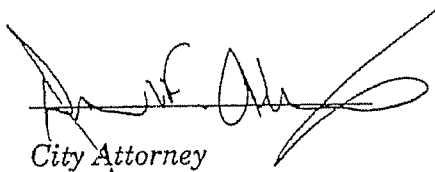
THAT THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF APACHE JUNCTION AND THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF STATE ROUTE 88 BE ACCEPTED AS PRESENTED, AND AUTHORIZATION BE GIVEN THE MAYOR TO SIGN SAID AGREEMENT, AND CONTINGENT ON THE CITY OR PRIVATE UTILITY, MAY CONTINUE TO MAINTAIN AND INSTALL FUTURE UTILITIES AT NO COST.

JPA 89-26

APPROVAL OF THE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF APACHE JUNCTION and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 17th day of May, 1990.


City Attorney

1979j



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A.G. Contract No. KR89-0481-TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 27th day of June, 1990.

ROBERT K. CORBIN
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redpath", is written over the printed name and title of the Chief Counsel.

JAMES R. REDPATH
Chief Counsel
Transportation Division

6240G:1